

Montana State Legislature

2013 Session

Additional Documents include:

- *Business Report**
- *Roll Call attendance**
- *Standing Committee Reports,**
- *Table Bills, Fiscal reports etc.**
- *Roll Call Votes**
- *Witness Statements**
- *Informational items**
- *Visitor Registrations**
- *Any other Documents;**
 - ~Petitions if any?**
 - ~Any and all material handed in after the meeting end.**

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BUSINESS REPORT

**MONTANA HOUSE OF REPRESENTATIVES
63rd LEGISLATURE - REGULAR SESSION**

HOUSE STATE ADMINISTRATION COMMITTEE

Date: Friday, April 12, 2013

Place: Capitol

Time: 9:00 A.M.

Room: 455

BILLS and RESOLUTIONS HEARD:

None

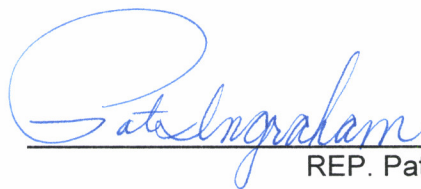
EXECUTIVE ACTION TAKEN:

SB 387 - Be concurred in as amended

SB 392 - Be concurred in as amended

HJ 24 - Be adopted

Comments:

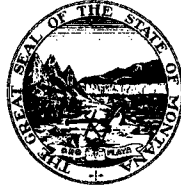


REP. Pat Ingraham, Chair

HOUSE OF REPRESENTATIVES
Roll Call
STATE ADMINISTRATION COMMITTEE

DATE: 04/12/2013

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
Rep. WASHBURN, Vice Chair	✓	
Rep. CONNELL		✓
Rep. BENNETT, Vice Chair	✓	
Rep. KARY	✓	
Rep. SCHREINER	✓	
Rep. HARRIS	✓	
Rep. HOWARD		✓
Rep. SWANSON	✓	
Rep. VANCE		✓
Rep. WILMER	✓	
Rep. SHAW	✓	
Rep. HERTZ	✓	
Rep. BOSS RIBS	✓	
Rep. BROCKIE	✓	
Rep. BLYTON	✓	
Rep. PRICE	✓	
Rep. BANGERTER	✓	
Rep. O'HARA	✓	
Rep. INGRAHAM, Chair	✓	



HOUSE STANDING COMMITTEE REPORT

April 12, 2013

Page 1 of 5

Mr. Speaker:

We, your committee on **State Administration** recommend that **Senate Bill 387** (second house second reading copy -- tan) **be concurred in as amended.**

Signed: 
Representative Pat Ingraham, Chair

To be carried by Representative Greg Hertz

And, that such amendments read:

1. Title, page 1, line 11.

Following: "~~LAWS,~~"

Insert: "PROVIDING THAT COUNTY ATTORNEYS MAY PROSECUTE ONLY
CRIMINAL VIOLATIONS OF CAMPAIGN PRACTICE LAWS;"

2. Title, page 1, line 13.

Following: "~~COMPLAINTS,~~"

Insert: "CLARIFYING THE STANDING REQUIREMENT FOR THE FILING OF
ETHICS COMPLAINTS;"

3. Title, page 1, line 14.

Following: "~~2-2-136,~~"

Insert: "2-2-136,"

4. Title, page 1, line 15.

Following: "~~13-37-113,~~"

Insert: "13-37-113,"

5. Page 2, line 4.

Strike: "selected"

6. Page 2, following line 5.

Insert: "(2) The members appointed under subsections (1)(a) and

Committee Vote:

Yes 12, No 7

Fiscal Note Required ☐

(1)(b) shall submit the list of three nominees to the governor within 30 days of the members' appointment."

Renumber: subsequent subsections

7. Page 2, line 11.

Strike: "CIVIL OR"

8. Page 4, following line 20.

Insert: "**Section 4.** Section 2-2-136, MCA, is amended to read:

"2-2-136. Enforcement for state officers, legislators, and state employees -- referral of complaint involving county

attorney. (1) (a) A person alleging a violation of this part by a state officer, legislator, or state employee may file a complaint with the commissioner of political practices if the person has standing to file the complaint. The commissioner does not have jurisdiction for a complaint concerning a legislator if a legislative act is involved in the complaint. The commissioner also has jurisdiction over complaints against a county attorney that are referred by a local government review panel pursuant to 2-2-144 or filed by a person directly with the commissioner pursuant to 2-2-144(6). The commissioner may request additional information from the complainant or the person who is the subject of the complaint to make an initial determination of whether the complaint states a potential violation of this part.

(b) The commissioner may dismiss a complaint when the person who filed the complaint has failed to demonstrate standing or maybe dismiss a complaint that is frivolous, does not state a potential violation of this part, or does not contain sufficient allegations to enable the commissioner to determine whether the complaint states a potential violation of this part. If the issues presented in a complaint have been addressed and decided in a prior decision and the commissioner determines that no additional factual development is necessary, the commissioner may issue a summary decision without holding an informal contested case hearing on the complaint.

(c) Except as provided in subsection (1)(b), if the commissioner determines that the complaint states a potential violation of this part, the commissioner shall hold an informal contested case hearing on the complaint as provided in Title 2, chapter 4, part 6. The commissioner shall issue a decision based upon the record established before the commissioner.

(d) A person has standing to allege a violation when the person:

(i) alleges a past, present, or threatened injury to a property right or a civil right; and

(ii) alleges an injury that is distinguishable from an injury to the public generally, although the injury does not need to be exclusive to the person alleging the injury.

(2) (a) Except as provided in subsection (2)(b), if the commissioner determines that a violation of this part has

occurred, the commissioner may impose an administrative penalty of not less than \$50 or more than \$1,000.

(b) If the commissioner determines that a violation of 2-2-121(4)(b) has occurred, the commissioner may impose an administrative penalty of not less than \$500 or more than \$10,000.

(c) If the violation was committed by a state employee, the commissioner may also recommend that the employing state agency discipline the employee. The employing entity of a state employee may take disciplinary action against an employee for a violation of this part, regardless of whether the commissioner makes a recommendation for discipline. The commissioner may assess the costs of the proceeding against the person bringing the charges if the commissioner determines that a violation did not occur or against the officer or employee if the commissioner determines that a violation did occur.

(3) A party may seek judicial review of the commissioner's decision, as provided in chapter 4, part 7, of this title, after a hearing, a dismissal, or a summary decision issued pursuant to subsection (1)(b).

(4) Except for records made public in the course of a hearing held under subsection (1) and records that are open for public inspection pursuant to Montana law, a complaint and records obtained or prepared by the commissioner in connection with an investigation or complaint are confidential documents and are not open for public inspection. The complainant and the person who is the subject of the complaint shall maintain the confidentiality of the complaint and any related documents released to the parties by the commissioner until the commissioner issues a decision. However, the person who is the subject of a complaint may waive, in writing, the right of confidentiality provided in this subsection. If a waiver is filed with the commissioner, the complaint and any related documents must be open for public inspection. The commissioner's decision issued after a hearing is a public record open to inspection.

(5) When a complaint is filed, the commissioner may issue statements or respond to inquiries to confirm that a complaint has been filed, to identify against whom it has been filed, and to describe the procedural aspects and status of the case.

(6) The commissioner may adopt rules to carry out the responsibilities and duties assigned by this part."

Renumber: subsequent sections

9. Page 5, line 14.

Strike: "AN"

Insert: "a criminal"

10. Page 5, line 14 through line 15.

Strike: "THE" on line 14 through "OR" on line 15

11. Page 8, line 22.

Following: "by"

Insert: "that the individual has been identifiably and specifically harmed by"

12. Page 10, following line 4.

Insert: "Section 15. Section 13-37-113, MCA, is amended to read:

"13-37-113. ~~Hiring of attorneys — prosecutions.~~ The commissioner may hire or retain attorneys who are properly licensed to practice before the supreme court of the state of Montana to prosecute civil violations of Title 13, chapter 35, of this title or this chapter pursuant to [section 3]. ~~Any attorney retained or hired shall exercise the powers of a special attorney general, and the attorney may prosecute, subject to the control and supervision of the commissioner and the provisions of 13-35-240, 13-37-124, and 13-37-125, any criminal or civil action arising out of a violation of any provision of chapter 35 of this title or this chapter. All prosecutions must be brought in the state district court for the county in which a violation has occurred or in the district court for Lewis and Clark County. The authority to prosecute as prescribed by this section includes the authority to:~~

~~(1) institute proceedings for the arrest of persons charged with or reasonably suspected of criminal violations of chapter 35 of this title or this chapter;~~

~~(2) attend and give advice to a grand jury when cases involving criminal violations of chapter 35 of this title or this chapter are presented;~~

~~(3) draw and file indictments, informations, and criminal complaints;~~

~~(4) prosecute all actions for the recovery of debts, fines, penalties, or forfeitures accruing to the state or county from persons convicted of violating chapter 35 of this title or this chapter; and~~

~~(5) do any other act necessary to successfully prosecute a violation of any provision of chapter 35 of this title or this chapter."~~

Renumber: subsequent sections

13. Page 10, line 25 through line 26.

Strike: "APPROPRIATE" on line 25 through "OR THE" on line 26

14. Page 11, line 2 through line 3.

Strike: "APPROPRIATE" on line 2 through "OR THE" on line 3

15. Page 11, line 10.

Strike: "CIVIL OR"

16. Page 11, line 12.

Strike: "CIVIL OR"

17. Page 11, line 16 through line 18.

Strike: "IF THE" on line 16 through "LEGAL ACTION." on line 18

18. Page 11, line 22.

Strike: "CIVIL OR"

19. Page 11, line 30 through page 12, line 3.

Strike: subsection (4) in its entirety

- END -



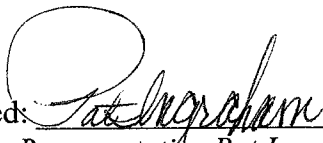
HOUSE STANDING COMMITTEE REPORT

April 12, 2013

Page 1 of 1

Mr. Speaker:

We, your committee on **State Administration** recommend that **Senate Bill 392** (second house second reading copy -- tan) **be concurred in as amended.**

Signed: 

Representative Pat Ingraham, Chair

To be carried by Representative Bryce Bennett

And, that such amendments read:

1. Page 3, following line 23.

Insert: "COORDINATION SECTION. **Section 2. Coordination instruction.** If both Senate Bill No. 392 and [this act] are passed and approved and if both contain a section amending 13-35-225, then 13-35-225(7)(b) of [this act] must read as follows:

"(7)(b) When notifying the candidate or campaign committee under subsection (7)(a), the commissioner shall include a statement that if the candidate or political committee fails to bring the material into compliance as required under this section, the candidate or political committee is subject to an administrative penalty as provided in [section 3 of Senate Bill No. 387].""

Renumber: subsequent sections

- END -

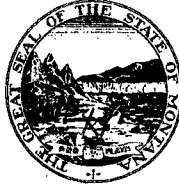
Committee Vote:

Yes 17, No 2

Fiscal Note Required __

SB0392001SC13032.hjk

11:20 DC
4-12



HOUSE STANDING COMMITTEE REPORT

April 12, 2013

Page 1 of 1

Mr. Speaker:

We, your committee on **State Administration** recommend that **House Joint Resolution 24** (first reading copy -- white) **be adopted**.

Signed: _____

Pat Ingraham
Representative Pat Ingraham, Chair

- END -

Committee Vote:

Yes 12, No 7

Fiscal Note Required ☐

HJ0024001SC.hjk

DC 11:00
4/12

AUTHORIZED COMMITTEE PROXY

I request to be excused from the State Admin

Committee because of other commitments. I desire to leave my proxy vote with:

VC Ted Washburn

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
HJ 24	✓				
SB 392	✓				
SB 392 amendment					
SB 039203	✓				
SB 387 amendment					
SB 038705	✓				
SB 387	✓				
SB 039203 . ACU	✓				

Rep. lj bangerter
(Signature)

Date 4-12-13

HOUSE OF REPRESENTATIVES
Roll Call Vote
STATE ADMINISTRATION COMMITTEE

DATE: 04/12/2013 BILL NO SB387 MOTION NO. _____

MOTION: Be amended SB038702.arw

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. T WASHBURN, VICE CHAIR	✓		
REP. P CONNELL	✓		✓
REP. B BENNETT, VICE CHAIR		✓	
REP. D KARY	✓		
REP. C SCHREINER		✓	
REP. B HARRIS	✓		
REP. D HOWARD	✓		✓
REP. K SWANSON		✓	
REP. G VANCE	✓		✓
REP. F WILMER		✓	
REP. R SHAW	✓		
REP. G HERTZ	✓		
REP. F BOSS RIBS		✓	
REP. C BROCKIE		✓	
REP. J BLYTON	✓		
REP. J PRICE		✓	
REP. L BANGERTER	✓		
REP. J O'HARA	✓		
REP. P INGRAHAM, CHAIR	✓		

12 7

HOUSE OF REPRESENTATIVES
Roll Call Vote
STATE ADMINISTRATION COMMITTEE

DATE: 04/12/2013 BILL NO SB 387 MOTION NO. _____
 MOTION: _____
 _____ *be amended SB038703.ara* _____

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. T WASHBURN, VICE CHAIR	✓		
REP. P CONNELL	✓		✓
REP. B BENNETT, VICE CHAIR	✓		
REP. D KARY	✓		
REP. C SCHREINER	✓		
REP. B HARRIS	✓		
REP. D HOWARD	✓		✓
REP. K SWANSON	✓		
REP. G VANCE	✓		✓
REP. F WILMER	✓		
REP. R SHAW	✓		
REP. G HERTZ	✓		
REP. F BOSS RIBS	✓		
REP. C BROCKIE	✓		
REP. J BLYTON	✓		
REP. J PRICE	✓		
REP. L BANGERTER	✓		
REP. J O'HARA	✓		
REP. P INGRAHAM, CHAIR	✓		

19 0

HOUSE OF REPRESENTATIVES
Roll Call Vote
STATE ADMINISTRATION COMMITTEE

DATE: 04/12/2013 BILL NO SB 387 MOTION NO. _____

MOTION: _____
be amended SB038705.arw

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. T WASHBURN, VICE CHAIR	✓		
REP. P CONNELL	✓		✓
REP. B BENNETT, VICE CHAIR		✓	
REP. D KARY	✓		
REP. C SCHREINER		✓	
REP. B HARRIS	✓		
REP. D HOWARD	✓		✓
REP. K SWANSON		✓	
REP. G VANCE	✓		✓
REP. F WILMER		✓	
REP. R SHAW	✓		
REP. G HERTZ	✓		
REP. F BOSS RIBS		✓	
REP. C BROCKIE		✓	
REP. J BLYTON	✓		
REP. J PRICE		✓	
REP. L BANGERTER	✓		✓
REP. J O'HARA	✓		
REP. P INGRAHAM, CHAIR	✓		

HOUSE OF REPRESENTATIVES
Roll Call Vote
STATE ADMINISTRATION COMMITTEE

DATE: 04/12/2013 BILL NO SB 387 MOTION NO. _____

MOTION: Be concurred in as amended

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. T WASHBURN, VICE CHAIR	✓		
REP. P CONNELL	✓		✓
REP. B BENNETT, VICE CHAIR		✓	
REP. D KARY	✓		
REP. C SCHREINER		✓	
REP. B HARRIS	✓		
REP. D HOWARD	✓		✓
REP. K SWANSON		✓	
REP. G VANCE	✓		✓
REP. F WILMER		✓	
REP. R SHAW	✓		
REP. G HERTZ	✓		
REP. F BOSS RIBS		✓	
REP. C BROCKIE		✓	
REP. J BLYTON	✓		
REP. J PRICE		✓	
REP. L BANGERTER	✓		✓
REP. J O'HARA	✓		
REP. P INGRAHAM, CHAIR	✓		

12 7

HOUSE OF REPRESENTATIVES
Roll Call Vote
STATE ADMINISTRATION COMMITTEE

DATE: 04/12/2013 BILL NO HS24 MOTION NO. _____

MOTION: Be adopted

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. T WASHBURN, VICE CHAIR	✓		
REP. P CONNELL	✓		✓
REP. B BENNETT, VICE CHAIR		✓	
REP. D KARY	✓		
REP. C SCHREINER		✓	
REP. B HARRIS	✓		
REP. D HOWARD	✓		✓
REP. K SWANSON		✓	
REP. G VANCE	✓		✓
REP. F WILMER		✓	
REP. R SHAW	✓		
REP. G HERTZ	✓		
REP. F BOSS RIBS		✓	
REP. C BROCKIE		✓	
REP. J BLYTON	✓		
REP. J PRICE		✓	
REP. L BANGERTER	✓		✓
REP. J O'HARA	✓		
REP. P INGRAHAM, CHAIR	✓		

12

7

AUTHORIZED COMMITTEE PROXY

I request to be excused from the SAVA

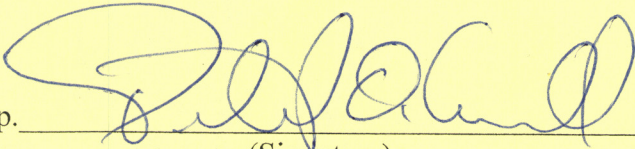
Committee because of other commitments. I desire to leave my proxy vote with:

VC Ted WASHBURN

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
HB 24 ^{HJ}	✓	
SB 387	✓	✗
SB 392	✓	
SB 038702, ARW	✓	
SB 038703, ARW	✓	
SB 038705	✓	
SB 039203 Arnd	✓	

BILL/AMENDMENT	AYE	NO

Rep. 
(Signature)

Date 4/12/13

AUTHORIZED COMMITTEE PROXY

I request to be excused from the SAVA

Committee because of other commitments. I desire to leave my proxy vote with:

VC Ted Washburn

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
HB 124 ^{HJ}	✓	
SB 387	✓	
SB 392	✓	
SB 038702	✓	
SB 038703 ARW	✓	
SB 038705	✓	
SB 039203 ARW	✓	

BILL/AMENDMENT	AYE	NO

Rep. Dave Howard
(Signature)

Date 4/12/13

AUTHORIZED COMMITTEE PROXY

I request to be excused from the State Admin

Committee because of other commitments. I desire to leave my proxy vote with:

VC Ted Washburn

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT AYE NO

H 224	X	
SB 387	X	
SB 392		X
SB 038702 ARW	X	
SB 038703 ARW	X	
SB 038705 ARW	X	
SB 039203 ARW	X	

BILL/AMENDMENT AYE NO

Rep. [Signature]

(Signature)

Date 4/12/13

Rep. Vance

1892

**MONTANA House of Representatives
Visitors Register
HOUSE STATE ADMINISTRATION COMMITTEE**

Friday, April 12, 2013

Sponsor: No Bills to be Heard

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.